IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1301 OF 2006
IN
WRIT PETITION NO. 5239 OF 2005

Suchita Vijay Surve ..Applicant
(Org.Respondent)

Vs.

The Executive Engineer
Maharashtra Rajya Vidyut
Mandal ..Respondent

(Org.Petitioner)

Mr. S.B. Shetye for applicant.
Mrs.A.R.S. Baxi for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : August 29, 2006.

P.C.:

1. Heard Mr. Shetye the learned counsel for the applicant and Mrs. Baxi the learned counsel for the respondent.

2. The applicant is the respondent in Writ Petition No.5239 of 2005 and by this application the workman prays for directions for depositing 50% of the backwages amount as per the impugned award in the Writ Petition.

3. On 23/2/2006 the petition was admitted and interim relief in terms of prayer clause (c) was

granted. The said prayer clause in the petition memo reads as under:-

> "(c) Pending the hearing and final disposal of this Writ Petition, further proceedings pursuant to the Judgment and Award passed in Reference (IDA) No.3/97 be stayed."

. It is thus clear that the operation of the award has not been stayed by this court and the stay granted is specifically regarding the future proceedings arising out of the impugned award.

4. Admittedly, an amount of Rs.10,796/- has been deposited by the respondent and the applicant says that the said amount does not comply with the direction given in the impugned award regarding 50% of the backwages payable to the regularly appointed Clerk-cum-typist.

5. It is, therefore, directed that the respondent-board/company shall calculate the amount of backwages as directed by the Labour Court on the basis of the salary payable to a regularly appointed typist during the relevant period and deposit the balance

amount within a period of two weeks from today. The said amount with the amount already deposited shall be allowed to be withdrawn by the applicant forthwith.

6. The application is disposed off accordingly.

(B.H. Marlapalle,J.)